

ROD SHEPARD

IBLA 75-634

Decided September 18, 1975

Appeal from the rejection of an application for a coal prospecting permit, N-11545.

Affirmed.

1. Coal Leases and Permits: Applications

Decisions rejecting coal prospecting permit applications will be affirmed where the decision was made pursuant to and in accordance with Secretarial Order 2952 of February 13, 1973.

APPEARANCES: Rod Shepard, pro se.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

The Nevada State Office, Bureau of Land Management (BLM), rejected appellant's coal prospecting permit application on the ground that the Secretary, by his Order 2952, had directed the rejection of all prospecting permit applications pending adoption of a program for more orderly development of the Government's coal resources. This appeal resulted.

Appellant contends that the Secretary's order is not consistent with the national need for energy, employment, lower costs and cleaner air.

[1] Secretarial Order No. 2952 of February 13, 1973, precludes the issuance of any new coal prospecting permits pending preparation of a program for more orderly development. It directed that all applications for prospecting permits shall be rejected pending further instructions. Pursuant to the Mineral Leasing Act, 30 U.S.C. § 201(b) (1970), the Secretary is authorized to issue such instructions. We will review the decision below to assure those instructions were followed.

[1] In Utah Resources International, Inc., 18 IBLA 320 (1975); John H. Morgan, 17 IBLA 343 (1974); Joan Walstrom, 15 IBLA 401 (1974); Woods Petroleum Corp., 12 IBLA 277 (1973); and Marvin E. Weaster, 10 IBLA 277 (1973), this Board held that Order 2952 precludes the issuance of any new coal prospecting permits pending further instructions from the Secretary. The Secretary has not yet issued new instructions or relaxed the mandate of Order 2952 requiring rejection of all prospecting permit applications. Until he does, this Board and all other Departmental officials are required to carry out his directive.

In this case the Nevada State Office correctly applied the instructions of the Secretary's order and properly rejected appellant's application.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decisions appealed from are affirmed.

Edward W. Stuebing
Administrative Judge

We concur:

Joseph W. Goss
Administrative Judge

Joan B. Thompson
Administrative Judge

